

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FRANK SACO
Plaintiff,

CIVIL ACTION
NO: 03-12551-NG

vs.

TUG TUCANA and
TUG TUCANA CORPORATION
Defendants.

**DEFENDANT'S MOTION FOR CORI ACCESS
REGARDING THE PLAINTIFF, FRANK L. SACO**

Now comes the defendant, Tug Tucana Corporation, in the above entitled action, by and through its counsel, Clinton and Muzyka, P.C., and respectfully moves this Honorable Court to issue an Order attached hereto as Exhibit "B" permitting it access to the Criminal Offender Record Information (CORI) regarding the plaintiff, Frank L. Saco.

As reasons in support, the defendant submits that the plaintiff commenced this cause of action to recover for personal injuries he allegedly sustained on or about April 13, 2003 onboard defendant's vessel. The defendant is requesting this information for the purpose of impeachment during the trial of this matter. *See, Affidavit of Thomas J. Muzyka, Esquire attached hereto as Exhibit "A."* This request is being made in accordance with the provisions of Chapter 6, Section 172(c) of the Massachusetts General Laws.

WHEREFORE, the defendant, Tug Tucana Corporation, prays that this Honorable Court allow the defendant access to the plaintiff's Criminal Offender Record Information (CORI) and endorse the Order attached hereto as Exhibit "B."

By their attorneys,

CLINTON & MUZYKA, P.C.

"/s/ Thomas J. Muzyka"

Thomas J. Muzyka

BBO NO: 365540

One Washington Mall

Suite 1400

Boston, MA 02108

(617) 723-9165

Dated: May 18, 2004

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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Plaintiff,

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Defendants.

AFFIDAVIT OF THOMAS J. MUZYKA, ESQUIRE

This affidavit is made on the basis of personal knowledge of the affiant.

1. My name is Thomas J. Muzyka. I have been a practicing attorney in the Commonwealth of Massachusetts since 1975 and am presently in good standing.
2. I am counsel of record for the defendant, Tug Tucana Corporation, in the case known as Frank Saco v. Tug Tucana and Tug Tucana Corporation, Civil Action No: 03-12551-NG.
3. I intend to use any information obtained through Criminal Offender Record Information (CORI) for the purpose of witness impeachment during trial.
4. Any information revealed by the CORI shall not be disclosed to any unauthorized persons and/or in violation of Chapter 6, Section 167 of the Massachusetts General Laws or 803 C.M.R. 1.00 et seq.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS
SEVENTEENTH DAY OF MAY, 2004.

"/s" Thomas J. Muzyka
Thomas J. Muzyka

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ORDER

I hereby order the Executive Office of Public Safety Criminal History Records Systems Board for the Commonwealth of Massachusetts to provide Criminal Offender Record Information (CORI) to the defendant's counsel on Frank L. Saco, 7 Adeline Road, Beverly Farms, Massachusetts or 12A Summer Street, Manchester-by-the-Sea, MA. Date of Birth: [REDACTED], Social Security No: 0 [REDACTED].

By order of the Honorable Judge,

Nancy Gertner

Dated: _____